

## SENATE BILL No. 310

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1; IC 36-7-14; IC 36-7-15.1.

**Synopsis:** Disposition of certain distressed property. Makes changes to the statute concerning determination of serial tax delinquencies to rephrase various constructions and provide that: (1) a petitioner is required to serve notice of a petition only on a person with a substantial property interest of public record, eliminating the need to serve notice on other appropriate parties; (2) a hearing date on a petition for a determination of serial tax delinquencies may be set not earlier than 30 days and not later than 60 days after the petition is filed (current law specifies that the hearing date may be set not earlier than 15 days and not later than 25 days after the petition is filed); and (3) property taxes and special assessments are removed from the tax duplicate as soon as an order is issued finding that serial tax delinquencies exist with respect to the subject properties, regardless of whether the petitioner acquires a tax deed for the properties. Provides that a political subdivision that applies for a tax deed under the normal tax sale statute is not required to include various items of documentation with the petition that other petitioners for a tax deed are required to submit. Authorizes a redevelopment commission to establish an area known as a new opportunity area. Allows a redevelopment commission to sell any property that is held by the redevelopment commission and located in a new opportunity area at auction to the highest responsible and responsive bidder. Repeals the provision concerning a political subdivision that has acquired a tax deed following a determination that serial tax delinquencies exist for a set of properties to eliminate the requirement that the proceeds of a subsequent sale of a property by the petitioner be distributed in the same manner as if the property had been offered and sold at a tax sale.

**Effective:** Upon passage.

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## Rogers, Niemeyer

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January 7, 2016, read first time and referred to Committee on Appropriations.

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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 310

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 6-1.1-24.5-2, AS ADDED BY P.L.236-2015,  
2       SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: Sec. 2. (a) ~~Each year~~, After the county treasurer  
4       certifies the tracts or items of real property ~~on the tax sale list as~~  
5       **eligible for tax sale** under IC 6-1.1-24-1, if the county executive  
6       reasonably believes that:

7               (1) ten (10) or more of the tracts or items of real property that  
8               appear ~~on the tax sale list as eligible for tax sale~~ are owned by:

9                       (A) one (1) person; or

10                  (B) two (2) or more persons in a group of affiliated persons, in  
11                  any ownership relation between persons in the group of  
12                  affiliated persons and the tracts or items of real property; and

13               (2) the tracts or items of real property identified in subdivision (1)  
14               were acquired ~~by their respective owners~~ in a previous tax sale  
15               under IC 6-1.1-24;

16       the county executive may petition the court for a finding that serial tax  
17       delinquencies exist with respect to the tracts or items of real property



identified in subdivision (1).

(b) If each of the tracts or items of real property described in subsection (a)(1) and (a)(2) are located in the same city or town, the executive of the city or town may petition the court for a finding that serial tax delinquencies exist with respect to the tracts or items of real property identified in subsection (a)(1), if the county executive consents in writing to allow the city or town to file the petition.

SECTION 2. IC 6-1.1-24.5-3, AS ADDED BY P.L.236-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A petition filed with a court under this chapter must include all of the following:

(1) The legal description and ~~parcel description~~ **property number** for each of the tracts or items of real property. ~~that are the subject of the petition.~~

(2) A statement that the tracts or items of real property that are the subject of the petition are located within the petitioner's territory.

(3) For each tract or item of real property that is the subject of the petition, the names of the persons who own the tract or item of real property. If the petitioner is alleging that the tracts or items of real property are owned by a group of affiliated persons, the petitioner must also specify each person's affiliation with at least one (1) other person in the group of affiliated persons.

(4) A statement that each ~~person that owns~~ **owner of record** of a tract or item of real property that is the subject of the petition:

(A) acquired the tract or item of real property in one (1) or more tax sales; and

(B) subsequently received a ~~tax~~ deed for the real property.

(5) For each tract or item of real property that is the subject of the petition, the amounts of the delinquent property taxes and special assessments that are owed at the time ~~the petition is filed.~~ **the property is certified as eligible for tax sale under IC 6-1.1-24-1.**

(6) A statement that the delinquent property taxes and special assessments are payable to the county treasurer.

(7) A statement that if:

(A) the delinquent property taxes and special assessments on the tracts or items of real property that are the subject of the petition; **and**

(B) **the property taxes and special assessments that accrue after the property is certified as eligible for tax sale under IC 6-1.1-24-1;**

are not paid on or before the appearance date and time, the



petitioner will be entitled to an order directing the county auditor to issue a deed to each of the tracts or items of real property to the petitioner, without a right of redemption.

(8) A statement that if proof of payment of the **total amount of** delinquent property taxes and special assessments **for all tracts or items of real property specified under subdivision (1)** is tendered to the court on or before the appearance date and time, the court will dismiss the petition.

(9) If the petitioner is a city or town, a representation that the petitioner has furnished the county executive with a copy of the petition and the county executive consents to the requested relief.

SECTION 3. IC 6-1.1-24.5-4, AS ADDED BY P.L.236-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A petition filed under this chapter must be served on

(1) each person who has a substantial property interest of public record in any of the tracts or items of real property that are the subject of the petition ~~and~~

(2) ~~any other appropriate party;~~

in the manner prescribed by the Indiana Rules of Trial Procedure.

SECTION 4. IC 6-1.1-24.5-5, AS ADDED BY P.L.236-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. When a court receives a petition from a county, city, or town seeking a determination of serial tax delinquency under this chapter, the court shall issue an order to each ~~person who owns~~ **owner of record** of a tract or item of real property that is the subject of the petition ~~and any other person the court considers appropriate~~ that directs the **person owner of record** to appear before the court at a date and time specified in the order and to show cause as to why the tracts or items of real property that are the subject of the petition should not be found to be serially delinquent. The court's order under this section must do the following:

(1) Direct the parties subject to the order to appear before the court at a date and time specified by the court. The date specified under this subdivision must not be:

(A) earlier than ~~fifteen (15)~~ **thirty (30)** days; or

(B) later than ~~twenty-five (25)~~ **sixty (60)** days; after the date of the court's order.

(2) Notify the parties subject to the order that any party ordered to appear:

(A) may present evidence or objections on the issue of serial delinquency to the court:



(i) in writing before the appearance date specified by the court under subdivision (1); or

(ii) in writing or by oral testimony at the date and time specified by the court under subdivision (1); and

(B) has the right to be represented by an attorney when appearing before the court.

(3) Notify the parties subject to the order that if the parties:

(A) fail to submit written evidence or objections to the court before the appearance date specified in subdivision (1); and

(B) fail to appear before the court at the date and time specified by the court order under subdivision (1);

the party's failure to submit evidence or objections or to appear before the court will result in a finding of serial tax delinquencies with respect to the tracts or items of real property that are the subject of the petition.

SECTION 5. IC 6-1.1-24.5-6, AS ADDED BY P.L.236-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If an order is entered under this chapter finding that serial tax delinquencies exist with respect to tracts or items of real property that are the subject of a petition under this chapter:

(1) the owners of the tracts or items of real property do not have a right of redemption with respect to the tracts or items of real property; and

(2) the tracts or items of real property may be disposed of by the petitioner in any lawful manner.

(b) If an order is entered under this chapter finding that serial tax delinquencies exist with respect to tracts or items of real property that are the subject of a petition under this chapter:

(1) the court shall send a copy of the order to the county auditor; ~~and~~

(2) the county auditor shall remove the tracts or items of real property from the tax sale list maintained by the county auditor under IC 6-1.1-24; ~~and~~

**(3) the county auditor shall remove the taxes and special assessments for which the tract or item of real property became eligible for tax sale and all subsequent taxes, special assessments, interest, penalties, and costs of sale, from the tax duplicate in the same manner that taxes are removed by certificate of error.**

SECTION 6. IC 6-1.1-24.5-7, AS ADDED BY P.L.236-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) If an order is entered under this chapter



finding that serial tax delinquencies exist with respect to tracts or items of real property that are the subject of a petition under this chapter,

(1) the petitioner acquires a lien against each tract or item of real property in the amount of delinquent property taxes and special assessments; and

(2) the petitioner may request that the county auditor execute deeds for the tracts or items of real property and deliver the deeds to the petitioner.

(b) A request under subsection ~~(a)(2)~~ (a) along with a copy of the order must be delivered to the county auditor within six (6) months after the date of the court's order. The county auditor shall issue the deeds within sixty (60) days after the date the request is received by the county auditor. If the petitioner does not request the deeds within six (6) months after the date of the order, the order is void.

SECTION 7. IC 6-1.1-24.5-8 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 8: If a petitioner acquires a deed to a tract or item of real property under section 7 of this chapter and the petitioner disposes of the tract or item of real property before the third anniversary of the date on which the deed to the tract or item of real property is issued by the county auditor, the proceeds of the disposition, if any, shall be disbursed in the same manner as if the tract or item of real property had been offered and sold at a tax sale under IC 6-1.1-24.

SECTION 8. IC 6-1.1-24.5-9, AS ADDED BY P.L.236-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Subject to section ~~6(a)(1)~~ 6(a) of this chapter, a deed issued under section 7 of this chapter conveys the same fee simple interest in a tract or item of real property as a deed issued under IC 6-1.1-25.

SECTION 9. IC 6-1.1-25-4.6, AS AMENDED BY P.L.236-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.6. (a) After the expiration of the redemption period specified in section 4 of this chapter but not later than three (3) months after the expiration of the period of redemption:

(1) the purchaser, the purchaser's assignee, the county executive, the county executive's assignee, or the purchaser of the certificate of sale under IC 6-1.1-24-6.1 may; or

(2) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor shall, upon the request of the purchaser or the purchaser's assignee;

file a verified petition in accordance with subsection (b) in the same court and under the same cause number in which the judgment of sale



1 was entered asking the court to direct the county auditor to issue a tax  
 2 deed if the real property is not redeemed from the sale. Notice of the  
 3 filing of this petition shall be given to the same parties as provided in  
 4 section 4.5 of this chapter, except that, if notice is given by publication,  
 5 only one (1) publication is required. The notice required by this section  
 6 is considered sufficient if the notice is sent to the address required by  
 7 section 4.5(d) of this chapter. Any person owning or having an interest  
 8 in the tract or item of real property may file a written objection to the  
 9 petition with the court not later than thirty (30) days after the date the  
 10 petition was filed. If a written objection is timely filed, the court shall  
 11 conduct a hearing on the objection. If there is not a written objection  
 12 that is timely filed, the court may consider the petition without  
 13 conducting a hearing.

14 **(b) This subsection does not apply if the petitioner is a political**  
 15 **subdivision (as defined in IC 36-1-2-13).** Unless the county auditor  
 16 and the county treasurer have entered into an agreement under section  
 17 4.7 of this chapter, a verified petition filed under subsection (a) must  
 18 include the following:

- 19 (1) Copies of all notices sent under section 4.5 of this chapter.
- 20 (2) Copies of all notices sent under this section.
- 21 (3) Copies of all certified mail mailing receipts, return receipts,
- 22 and returned mailing envelopes for notices sent under section 4.5
- 23 of this chapter.
- 24 (4) Copies of all certified mail mailing receipts, return receipts,
- 25 and returned mailing envelopes for notices sent under this section.
- 26 (5) Copies or descriptions of the evidence used by the petitioner
- 27 or the petitioner's assignor to identify the owner and other persons
- 28 with a substantial property interest of public record in the real
- 29 property.

30 **(c) This subsection does not apply if the petitioner is a political**  
 31 **subdivision (as defined in IC 36-1-2-13).** If the purchaser or the  
 32 purchaser's assignee fails to include the documents described in  
 33 subsection (b), the issuance of a tax deed does not constitute prima  
 34 facie evidence of the sale referenced in subsection (k).

35 (d) If a verified petition is brought by the county auditor under an  
 36 agreement provided for under section 4.7 of this chapter, a tax deed  
 37 constitutes prima facie evidence of the validity of the sale referenced  
 38 in subsection (k) upon timely production by the county of all  
 39 documents described in subsection (b) in response to a challenge to a  
 40 tax deed.

41 (e) If the issuance of a tax deed does not constitute prima facie  
 42 evidence of the validity of the sale due to the failure to comply with



1 this section, the purchaser or the purchaser's successor has the burden  
 2 of proving the validity of the sale by a preponderance of the evidence  
 3 in any subsequent challenge to the sale.

4 (f) Not later than sixty-one (61) days after the petition is filed under  
 5 subsection (a), the court shall enter an order directing the county  
 6 auditor (on the production of the certificate of sale and a copy of the  
 7 order) to issue to the petitioner a tax deed if the court finds that the  
 8 following conditions exist:

9 (1) The time of redemption has expired.

10 (2) The tract or item of real property has not been redeemed from  
 11 the sale before the expiration of the period of redemption  
 12 specified in section 4 of this chapter.

13 (3) Except with respect to a petition for the issuance of a tax deed  
 14 under a sale of the certificate of sale on the property under  
 15 IC 6-1.1-24-6.1 or IC 6-1.1-24-6.8, or with respect to penalties  
 16 described in section 4(j) of this chapter, all taxes and special  
 17 assessments, penalties, and costs have been paid.

18 (4) The notices required by this section and section 4.5 of this  
 19 chapter have been given.

20 (5) The petitioner has complied with all the provisions of law  
 21 entitling the petitioner to a deed.

22 The county auditor shall execute deeds issued under this subsection in  
 23 the name of the state under the county auditor's name. If a certificate of  
 24 sale is lost before the execution of a deed, the county auditor shall issue  
 25 a replacement certificate if the county auditor is satisfied that the  
 26 original certificate existed.

27 (g) Upon application by the grantee of a valid tax deed in the same  
 28 court and under the same cause number in which the judgment of sale  
 29 was entered, the court shall enter an order to place the grantee of a  
 30 valid tax deed in possession of the real estate. The court may enter any  
 31 orders and grant any relief that is necessary or desirable to place or  
 32 maintain the grantee of a valid tax deed in possession of the real estate.

33 (h) Except as provided in subsections (i) and (j), if:

34 (1) the verified petition referred to in subsection (a) is timely  
 35 filed; and

36 (2) the court refuses to enter an order directing the county auditor  
 37 to execute and deliver the tax deed because of the failure of the  
 38 petitioner under subsection (a) to fulfill the notice requirement of  
 39 subsection (a);

40 the court shall order the return of the amount, if any, by which the  
 41 purchase price exceeds the minimum bid on the property under  
 42 IC 6-1.1-24-5 minus a penalty of twenty-five percent (25%) of that





1 excess. The petitioner is prohibited from participating in any manner  
 2 in the next succeeding tax sale in the county under IC 6-1.1-24. The  
 3 county auditor shall deposit penalties paid under this subsection in the  
 4 county general fund.

5 (i) Notwithstanding subsection (h), in all cases in which:

6 (1) the verified petition referred to in subsection (a) is timely  
 7 filed;

8 (2) the petitioner under subsection (a) has made a bona fide  
 9 attempt to comply with the statutory requirements under  
 10 subsection (f) for the issuance of the tax deed but has failed to  
 11 comply with these requirements;

12 (3) the court refuses to enter an order directing the county auditor  
 13 to execute and deliver the tax deed because of the failure to  
 14 comply with these requirements; and

15 (4) the purchaser, the purchaser's successors or assignees, or the  
 16 purchaser of the certificate of sale under IC 6-1.1-24 files a claim  
 17 with the county auditor for refund not later than thirty (30) days  
 18 after the entry of the order of the court refusing to direct the  
 19 county auditor to execute and deliver the tax deed;

20 the county auditor shall not execute the deed but shall refund the  
 21 purchase money minus a penalty of twenty-five percent (25%) of the  
 22 purchase money from the county treasury to the purchaser, the  
 23 purchaser's successors or assignees, or the purchaser of the certificate  
 24 of sale under IC 6-1.1-24. The county auditor shall deposit penalties  
 25 paid under this subsection in the county general fund. All the  
 26 delinquent taxes and special assessments shall then be reinstated and  
 27 recharged to the tax duplicate and collected in the same manner as if  
 28 the property had not been offered for sale. The tract or item of real  
 29 property, if it is then eligible for sale under IC 6-1.1-24, shall be placed  
 30 on the delinquent list as an initial offering under IC 6-1.1-24.

31 (j) Notwithstanding subsections (h) and (i), the court shall not order  
 32 the return of the purchase price or any part of the purchase price if:

33 (1) the purchaser or the purchaser of the certificate of sale under  
 34 IC 6-1.1-24 has failed to provide notice or has provided  
 35 insufficient notice as required by section 4.5 of this chapter; and

36 (2) the sale is otherwise valid.

37 (k) A tax deed executed under this section vests in the grantee an  
 38 estate in fee simple absolute, free and clear of all liens and  
 39 encumbrances created or suffered before or after the tax sale except  
 40 those liens granted priority under federal law, and the lien of the state  
 41 or a political subdivision for taxes and special assessments that accrue  
 42 subsequent to the sale. However, the estate is subject to all easements,



covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. Except as provided in subsections (b), (c), (d), and (e), the deed is prima facie evidence of:

- (1) the regularity of the sale of the real property described in the deed;
- (2) the regularity of all proper proceedings; and
- (3) valid title in fee simple in the grantee of the deed.

(l) A tax deed issued under this section is incontestable except by appeal from the order of the court directing the county auditor to issue the tax deed filed not later than sixty (60) days after the date of the court's order.

SECTION 10. IC 36-7-14-22.5, AS AMENDED BY P.L.149-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22.5. (a) This section applies to the following:

- (1) Real property:
  - (A) that was acquired by the commission to carry out a redevelopment project, an economic development area project, or an urban renewal project; and
  - (B) relative to which the commission has, at a public hearing, decided that the real property is not needed to complete the redevelopment activity, an economic development activity, or urban renewal activity in the project area.
- (2) Real property acquired under this chapter that is not in a redevelopment project area, economic development area, or an urban renewal project area.
- (3) Parcels of property secured from the county under IC 6-1.1-25-9(e) that were acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.
- (4) Real property donated or transferred to the commission to be held and disposed of under this section.

However, this section does not apply to property acquired under section 32.5 of this chapter (before its repeal).

(b) The commission may do the following to or for real property described in subsection (a):

- (1) Examine, classify, manage, protect, insure, and maintain the property.
- (2) Eliminate deficiencies (including environmental deficiencies), carry out repairs, remove structures, and make improvements.
- (3) Control the use of the property.
- (4) Lease the property.
- (5) Use any powers under section 12.2 of this chapter in relation



to the property.

(c) The commission may enter into contracts to carry out part or all of the functions described in subsection (b).

(d) The commission may extinguish all delinquent taxes, special assessments, and penalties relative to real property donated to the commission to be held and disposed of under this section. The commission shall provide the county auditor with a list of the real property on which delinquent taxes, special assessments, and penalties are extinguished under this subsection.

(e) Subject to the prior approval by the legislative body of the unit, real property described in subsection (a) may be sold, exchanged, transferred, granted, donated, or otherwise disposed of in any of the following ways:

(1) In accordance with section 22, 22.2, 22.6, ~~or 22.7~~, **or 22.8** of this chapter.

(2) In accordance with the provisions authorizing an urban homesteading program under IC 36-7-17 or IC 36-7-17.1.

The commission shall provide to the legislative body of the unit at a public meeting all the information supporting the action the commission proposes to take under this subsection, including any terms and conditions to which the commission would have to agree to carry out the action.

(f) In disposing of real property under subsection (e), the commission may:

(1) group together properties for disposition in a manner that will best serve the interest of the community, from the standpoint of both human and economic welfare; and

(2) group together nearby or similar properties to facilitate convenient disposition.

SECTION 11. IC 36-7-14-22.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.8. (a) A redevelopment commission may establish a new opportunity area in accordance with the criteria and procedures set forth in this section. A redevelopment commission may dispose of property to which section 22.5 of this chapter applies as provided in this section if the property is located in a new opportunity area.**

**(b) A redevelopment commission may determine that the following findings apply to an area within the jurisdiction of the redevelopment commission:**

**(1) At least one-third (1/3) of the parcels in the area are vacant or abandoned, as determined under IC 36-7-37 or**



another statute.

(2) At least one-third (1/3) of the parcels in the area have at least one (1) of the following characteristics:

(A) The dwelling on the parcel is not permanently occupied.

(B) Two (2) or more property tax payments owed on the parcel are delinquent.

(3) None of the properties in the area have been annexed within the immediately preceding five (5) years over a remonstrance of a majority of the land owners within the annexed area.

(4) The area cannot be improved by the ordinary operation of private enterprise because of:

(A) the existence of conditions that lower the value of the land below that of nearby land; or

(B) other conditions similar to the conditions described in clause (A).

(5) Each of the parcels in the area are residential parcels that are less than one (1) acre in size.

(6) The property tax collection rate over the immediately preceding two (2) years has been less than sixty percent (60%).

(7) The sale of parcels that are held by the redevelopment commission and are located in the new opportunity area to individuals and other private entities will benefit the public health and welfare of the residents of the surrounding area and the area governed by the commission.

(c) Whenever a redevelopment commission makes the findings described in subsection (b), a redevelopment commission may adopt a resolution declaring the area to be a new opportunity area.

(d) After a redevelopment commission adopts a resolution declaring an area to be a new opportunity area, the redevelopment commission may dispose of properties to which section 22.5 of this chapter applies that are located in the new opportunity area by using the following procedure:

(1) The redevelopment commission shall give notice in accordance with IC 5-3-1 twice by publication, one (1) week apart, with the last publication occurring at least ten (10) days before the date on which the redevelopment commission intends to convene the meeting described in subdivision (2).

The notice must include the following:

(A) The date, time, and place of the meeting described in



- 1                    **subdivision (2).**  
 2                    **(B) A description of each parcel to be offered for sale by**  
 3                    **parcel number and common address.**  
 4                    **(C) A statement that the redevelopment commission:**  
 5                    **(i) is accepting bids on the properties described under**  
 6                    **clause (B); and**  
 7                    **(ii) intends to sell each property described under clause**  
 8                    **(B) to the highest responsible and responsive bidder.**  
 9                    **(2) The redevelopment commission shall hold a meeting on the**  
 10                    **date and at the time and place specified in the notice**  
 11                    **described in subdivision (1) at which bids for the properties**  
 12                    **described in the notice shall be opened and read aloud. The**  
 13                    **redevelopment commission may thereafter sell each property**  
 14                    **to the highest responsible and responsive bidder.**  
 15                    SECTION 12. IC 36-7-15.1-15.5, AS AMENDED BY  
 16                    P.L.118-2013, SECTION 14, IS AMENDED TO READ AS  
 17                    FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.5. (a) This  
 18                    section applies to the following:  
 19                    (1) Real property:  
 20                           (A) that was acquired by the commission to carry out a  
 21                           redevelopment project, an economic development area project,  
 22                           or an urban renewal project; and  
 23                           (B) relative to which the commission has, at a public hearing,  
 24                           decided that the real property is not needed to complete the  
 25                           redevelopment activity, an economic development area  
 26                           activity, or urban renewal activity in the project area.  
 27                    (2) Real property acquired under this chapter that is not in a  
 28                    redevelopment project area, an economic development area, or an  
 29                    urban renewal project area.  
 30                    (3) Parcels of property secured from the county under  
 31                    IC 6-1.1-25-9(e) that were acquired by the county under  
 32                    IC 6-1.1-24 and IC 6-1.1-25.  
 33                    (4) Real property donated or transferred to the commission to be  
 34                    held and disposed of under this section.  
 35                    However, this section does not apply to property acquired under section  
 36                    22.5 of this chapter.  
 37                    (b) The commission may do the following to or for real property  
 38                    described in subsection (a):  
 39                           (1) Examine, classify, manage, protect, insure, and maintain the  
 40                           property.  
 41                           (2) Eliminate deficiencies (including environmental deficiencies),  
 42                           carry out repairs, remove structures, and make improvements.



(3) Control the use of the property.

(4) Lease the property.

(5) Use any powers under section 7(a) or 7(b) of this chapter in relation to the property.

(c) The commission may enter into contracts to carry out part or all of the functions described in subsection (b).

(d) The commission may extinguish all delinquent taxes, special assessments, and penalties relative to real property donated to the commission to be held and disposed of under this section. The commission shall provide the county auditor with a list of the real property on which delinquent taxes, special assessments, and penalties are extinguished under this subsection.

(e) Real property described in subsection (a) may be sold, exchanged, transferred, granted, donated, or otherwise disposed of in any of the following ways:

(1) In accordance with section 15, 15.1, 15.2, 15.6, ~~or~~ 15.7, **or 15.8** of this chapter.

(2) In accordance with the provisions authorizing an urban homesteading program under IC 36-7-17 or IC 36-7-17.1.

(f) In disposing of real property under subsection (e), the commission may:

(1) group together properties for disposition in a manner that will best serve the interest of the community, from the standpoint of both human and economic welfare; and

(2) group together nearby or similar properties to facilitate convenient disposition.

SECTION 13. IC 36-7-15.1-15.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 15.8. (a) The commission may establish a new opportunity area in accordance with the criteria and procedures set forth in this section. The commission may dispose of property to which section 15.5 of this chapter applies as provided in this section if the property is located in a new opportunity area.**

**(b) The commission may determine that the following findings apply to an area within the jurisdiction of the commission:**

**(1) At least one-third (1/3) of the parcels in the area are vacant or abandoned, as determined under IC 36-7-37 or another statute.**

**(2) At least one-third (1/3) of the parcels in the area have at least one (1) of the following characteristics:**

**(A) The dwelling on the parcel is not permanently**



- 1 occupied.
- 2 (B) Two (2) or more property tax payments owed on the
- 3 parcel are delinquent.
- 4 (3) None of the properties in the area have been annexed
- 5 within the immediately preceding five (5) years over a
- 6 remonstrance of a majority of the land owners within the
- 7 annexed area.
- 8 (4) The area cannot be improved by the ordinary operation of
- 9 private enterprise because of:
- 10 (A) the existence of conditions that lower the value of the
- 11 land below that of nearby land; or
- 12 (B) other conditions similar to the conditions described in
- 13 clause (A).
- 14 (5) Each of the parcels in the area are residential parcels that
- 15 are less than one (1) acre in size.
- 16 (6) The property tax collection rate over the immediately
- 17 preceding two (2) years has been less than sixty percent
- 18 (60%).
- 19 (7) The sale of parcels that are held by the commission and
- 20 are located in the new opportunity area to individuals and
- 21 other private entities will benefit the public health and welfare
- 22 of the residents of the surrounding area and the area
- 23 governed by the commission.
- 24 (c) Whenever the commission makes the findings described in
- 25 subsection (b), the commission may adopt a resolution declaring
- 26 the area to be a new opportunity area.
- 27 (d) After the commission adopts a resolution declaring an area
- 28 to be a new opportunity area, the commission may dispose of
- 29 properties to which section 15.5 of this chapter applies that are
- 30 located in the new opportunity area by using the following
- 31 procedure:
- 32 (1) The commission shall give notice in accordance with
- 33 IC 5-3-1 twice by publication, one (1) week apart, with the last
- 34 publication occurring at least ten (10) days before the date on
- 35 which the commission intends to convene the meeting
- 36 described in subdivision (2). The notice must include the
- 37 following:
- 38 (A) The date, time, and place of the meeting described in
- 39 subdivision (2).
- 40 (B) A description of each parcel to be offered for sale by
- 41 parcel number and common address.
- 42 (C) A statement that the commission:



1 (i) is accepting bids on the properties described under  
2 clause (B); and  
3 (ii) intends to sell each property described under clause  
4 (B) to the highest responsible and responsive bidder.  
5 (2) The commission shall hold a meeting on the date and at the  
6 time and place specified in the notice described in subdivision  
7 (1) at which bids for the properties described in the notice  
8 shall be opened and read aloud. The commission may  
9 thereafter sell each property to the highest responsible and  
10 responsive bidder.  
11 SECTION 14. An emergency is declared for this act.

